

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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BLUE MAGIC PRODUCTS, INC.,
(BOYD FLOTATION, INC., ALLEGED
SUCCESSOR OR ASSIGN),

Plaintiff,

NO. CIV. S-00-1155 WBS JFM
NO. CIV. S-04-2398 WBS JFM

v.

ORDER

BLUE MAGIC, INC., et al., (THE
RECTORSEAL CORPORATION,
SUCCESSOR),

Defendant.

BOYD FLOTATION, INC.,

Plaintiff

v.

THE RECTORSEAL CORPORATION,

Defendant.¹

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On May 13, 2005 the court issued an order authorizing
Rectorseal Corporation ("Rectorseal") to recover its reasonable

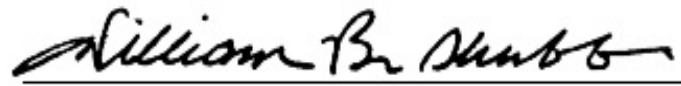
¹ For purposes of consistency, the court maintains the same captioning originally used in this matter. (See May 13, 2005 Mem. & Order Re: Motion to Enforce Settlement Agreement and Motion For Declaratory Relief).

1 attorneys' fees, expenses, and costs incurred in case Nos. 00-
2 1155 and 04-2398. (May 13, 2005 Mem. & Order Re: Motion to
3 Enforce Settlement Agreement & Mot. for Declaratory Relief ("May
4 13, 2005 Mem. & Order") at 15). On or about June 10, 2005,
5 Rectorseal filed a motion to recover attorneys' fees, expenses,
6 and costs. On August 11, 2005, the court issued an order denying
7 Rectorseal its costs, but awarding Rectorseal attorneys' fees in
8 the amount of \$63,112.56. Rectorseal has submitted a proposed
9 order for entry of judgment for these attorneys' fees, "plus
10 interest at 3.9%." (Def.'s J. Entry at 1). Plaintiff Boyd
11 Flotation, Inc. ("Boyd Flotation") objects to the proposed order.

12 Boyd Flotation correctly notes that the proposed order
13 is not required under Federal Rule of Civil Procedure
14 58(a)(1)(c), the rule which governs entry of judgment. Fed. R.
15 Civ. P. 58(a)(1)(c) ("a separate document is not required for an
16 order disposing of a motion . . . for attorney[s'] fees. . .
17 .") (emphasis added). The court sees no reason to order entry
18 of a separate judgment for attorneys' fees. Therefore,
19 Rectorseal's proposed order is rejected.

20 IT IS THEREFORE ORDERED that Rectorseal's request for
21 an order for an entry of a separate judgment for attorneys' fees
22 be, and the same hereby is, DENIED.

23 DATED: August 26, 2005

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25 WILLIAM B. SHUBB
26 UNITED STATES DISTRICT JUDGE

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